

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STINNETT GROUP, LLC

Plaintiff,

v.

AUTO OWNERS INSURANCE, et al.,

Defendants.

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CIVIL ACTION NO.: 1:06-cv-634-WKW

**ORDER AND CONSENT JUDGMENT IN FAVOR OF OWNERS INSURANCE
COMPANY**

This matter is before the Court on the joint stipulation between Plaintiff, Stinnett Group, LLC (Stinnett Group), and Defendant/Counterclaim Plaintiff Auto-Owners Insurance, whose true and correct name is Owners Insurance Company (hereinafter "Owners Insurance"), to consent pro tanto judgment in favor of Owners Insurance and against Stinnett Group, and the Court having considered the same, it is hereby

ORDERED, ADJUDGED and DECREED as follows:

1.) Judgment is entered in favor of Owners Insurance and against Stinnett Group declaring that Owners Insurance has no duty to defend Stinnett Group as to any of the claims asserted in the Huff & Associates counterclaim, as amended, in the underlying state court action filed in the Circuit Court of Lee County, Alabama, styled Stinnett Group, LLC v. Huff & Associates Co., Inc., Civil Action No.: CV-04-797.

2.) That as the liability of Stinnett Group has not been adjudicated in the underlying action (CV-04-797), Stinnett Group's and Owners Insurance's claims for declaratory relief regarding duty to indemnify are not sufficiently ripe to present a "case"

or “controversy” and are, therefore, dismissed, without prejudice. See, State Auto Property & Casualty Ins. Co. v. Calhoun, 2005 WL 2406055 (M.D. Ala. Sept. 29, 2005)

3.) It is further ordered that costs are taxed as paid

W. KEITH WATKINS
UNITED STATES DISTRICT JUDGE

cc: Hon. J. E. Sawyer, Jr.
Hon. Roger S. Morrow
Hon. Joel H. Pearson